

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
NOVEMBER 15, 2011

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Dennis Drake at 4:00 p.m. on November 15, 2011, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman Dennis Drake, Commissioner James J. Eardley, Commissioner Alan D. Gardner, Washington County Administrator Dean J. Cox, Deputy County Attorney Rachelle Shumway, and Deputy County Clerk Christine Hall.

Commissioner Gardner led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment from October 19, 2011, through November 15, 2011
- Consideration of Approval of Regular Commission Meeting Minutes for October 18, 2011
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Applications for Settlement or Deferral of Property Taxes: Scott Christensen/Capital Alliance, S/N SG-SRYH-7; and Jennifer Torlos, S/N SG-1701-A-3-B
- Consideration of Applications for Property Tax Abatement: John and Marilyn Aseltine, S/N SG-SUR-9-707; Donald Davis, S/N SG-BKTH-22-42; Lonnie and Cordella Galloway, S/N SG-HLGV-1-17; David and Joyce Gardner, S/N NH-3-8-22-42441; Deloris Lukens, S/N SC-SCH-X-25; Dean and Joan McClelland, S/N SG-RCST-2-17; Donald Sherer, S/N H-3-1-29-231-RD2; and Ila May Wiley, S/N I-CCL-23B-1
- Consideration of Approval of Cooperative Law Enforcement Annual Operating Plan and Financial Plan between the Washington County Sheriff's Office and the USDA, Forest Service, Dixie National Forest #11-LE-11040700-026

Actions of the Washington County Planning Commission Meeting / 11-08-11

Conditional Use Permit Extension: Request permission to install fiber optics along the County rights of way: 1) Anderson Junction to Leeds; 2) Old Highway

144 from I-15 to New Harmony; and 3) the Santa Clara area of the County. Qwest, applicant.

This is an automatic annual review. Previously, Qwest had received funds to install fiber optic line prior to the first of the year. The lines were installed at three locations throughout the County. Public utilities are conditionally approved within the zones of the County and along major rights-of-way (County Code 10). Most of the lines were installed 48" in depth, observing all County standards. They remained 5 to 10 feet off the edge of asphalt in New Harmony area and 25 feet in the Leeds area. They bore across the roadways and some driveways. Wash crossings or culverts required deeper trenching. They had approval from local communities and UDOT where applicable and were in touch with the Conservancy District when digging near their waterlines and keeping a 3' separation. Blue Stakes were notified and contractors met County Standards and observed traffic controls. Encroachment permits were obtained from the Public Works Department. The Planning Commission unanimously recommended approval of the Conditional Use Permit, granting permanent status.

MOTION: Motion by Commissioner Eardley to Approve the Consent Agenda, as presented, and to Move Item Number 13 on the Regular Agenda to be Number One. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

GENERAL PLAN AMENDMENT: CONSIDER AN APPROVAL ON AN AMENDMENT TO THE WASHINGTON COUNTY GENERAL PLAN BY ADOPTING COMMUNITY PLANS FOR CENTRAL/DIXIE DEER ESTATES; CLIFFDWELLERS/GRASSY MEADOWS SKY RANCH; EAST ENTERPRISE; KOLOB MOUNTAIN; AND NEW HARMONY VALLEY

Washington County Planner Deon Goheen said that the Planning Commission has recommended approval of these General Plan Amendments. Planning Staff has met with all communities, and there was no public opposition presented. The amendments are all consistent with the County General Plan..

The Commission commended John Willie for his extensive research and hard work on preparing these documents.

MOTION: Motion by Commissioner Gardner to Approve the Amendment To The Washington County General Plan By Adopting Community Plans For Central / Dixie Deer Estates; Cliffdwellers / Grassy Meadows Sky Ranch; East Enterprise; Kolob Mountain; And New

Harmony Valley. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

VOLUNTEER OF THE MONTH / CAROL HOLLOWELL

Volunteer Center of Washington County Director Carol Hollowell presented Mary Anderson, a member of the largest group of volunteers who work in the health industry. Ms. Anderson works at the hospital (along with four hundred and thirty six others) and knits caps for newborn babies in the Neonatal Intensive Care Unit. She makes more than four hundred hats per month for the babies, buying all of her own yarn and supplies.

EMERGENCY SERVICES REPORT / WASHINGTON COUNTY SHERIFF'S OFFICE

Sheriff Cory Pulsipher said that there has only been one Search and Rescue (SAR) since his last report, which turned out to be a false alarm but required the SAR team to deploy nevertheless.

Sheriff Pulsipher requested Commission approval for a Mutual Aid Agreement (MAA) creating a metro Special Weapons and Tactics (SWAT) team among various agencies within Washington County. The cities of Washington, Ivins, and Hurricane have placed officers onto the SWAT team. The cities are responsible for the costs of training and outfitting their team members. Washington County Deputy Attorney Eric Clarke prepared the MAA.

MOTION: Motion by Commissioner Gardner to Approve the Mutual Aid Agreement between the Cities of Hurricane, Ivins, and Washington, and the Washington County Sheriff's Office, as presented. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

PURCHASE REQUESTS / TREVOR COOMBS

Habitat Conservation Plan (HCP):

Tortoise Population Monitoring MOU	\$80,000.00
2011 Evaluation of SW Willow Flycatcher nesting MOU	\$ 5,000.00

Internal Auditor Trevor Coombs presented two (2) purchase requisitions from the Habitat Conservation Plan (HCP). Resolutions approving these purchases were adopted earlier this year.

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Gardner to Approve the Purchase Requests. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

PRESENTATION OF PRELIMINARY BUDGET FOR FY 2012 / KIM HAFEN

Washington County Clerk-Auditor Kim Hafen presented the Preliminary Budget for 2012. He said that next year's budget is essentially the same as last year's, with no substantive increases. Revenues are up slightly due to an increase sales taxes and transient room taxes, and the State of Utah is contributing a bit more to our prisoner reimbursement at the Purgatory Correctional Facility. Additionally, property tax revenues have increased very slightly due to new growth in the community, not due to an increase in individuals' property tax payments.

The only appreciable increase in expenditures results from the State of Utah having notified all counties that their contributions to fund the Utah Retirement System pension fund have increased, effective July of 2012.

The Final Budget will be presented in December for approval by the Commission.

A copy of the Preliminary Budget is available from the Office of the Clerk-Auditor.

MOTION: Motion by Commissioner Eardley to Accept the Preliminary Budget for 2012, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1589, A RESOLUTION OF APPOINTMENT OF A WASHINGTON COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INSURANCE POOL ANNUAL MEMBERSHIP MEETING

This resolution is required by the bylaws of the Utah Counties Insurance Pool and is approved annually.

MOTION: Motion by Commissioner Gardner to Approve Resolution No. R-2011-1589, A Resolution of Appointment of James J. Eardley as Washington County Representative and Christine S. Hall as Alternate Representative for the Utah Counties Insurance Pool Annual Membership Meeting. Motion seconded by Commissioner Drake and

carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1590, A RESOLUTION APPOINTING A MEMBER TO THE HABITAT CONSERVATION TECHNICAL COMMITTEE

Habitat Conservation Plan (HCP) Administrator Robert Sandberg explained that the HCP calls for the establishment of a Technical Committee (HCTC) comprised of members from the Utah Division of Wildlife Resources (UDWR), the Fish & Wildlife Service, Bureau of Land Management (BLM), HCP, and a local biologist position. Marshall Topham has resigned that position, and the HCTC has recommended the appointment of Jeff Norton to fill it. Mr. Norton is highly regarded and qualified, with degrees in wildlife management, botany, and fisheries, and has worked with the UDWR for over thirty (30) years.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1590, A Resolution Appointing Jeff Norton To The Habitat Conservation Technical Committee. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1591, A RESOLUTION APPOINTING A MEMBER TO THE PINE VALLEY LOCAL DISTRICT ADMINISTRATIVE CONTROL BOARD

Mr. Johnnie Nicholas has resigned from this Board, and the vacancy was duly advertised. One (1) application for that position was received, from former Washington County Sheriff Kirk E. Smith.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1591, A Resolution Appointing Kirk E. Smith To The Pine Valley Local District Administrative Control Board. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1592, A RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN JACOBS ENGINEERING GROUP, INC., THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT), THE UTAH COMPTROLLER'S OFFICE, THE DIXIE METROPOLITAN PLANNING ORGANIZATION (MPO), AND WASHINGTON COUNTY FOR AN ENVIRONMENTAL STUDY AND

PRELIMINARY ENGINEERING REGARDING THE WASHINGTON PARKWAY

Commissioner Eardley commented that this engineering study evolved from the Vision Dixie process, in which many citizens approved of a northern route through the County in order to relieve east-west traffic congestion on the I-15 freeway and St. George Boulevard.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1592, A Resolution Approving The Execution Of An Agreement Between Jacobs Engineering Group, Inc., The Utah Department Of Transportation (UDOT), The Utah Comptroller's Office, The Dixie Metropolitan Planning Organization (MPO), And Washington County For An Environmental Study And Preliminary Engineering Regarding The Washington Parkway. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1593, A RESOLUTION APPOINTING CACHE BENSON, TYLER BLACK, AND PETER MARINKO AS DEPUTY COUNTY CONSTABLES

Administrator Dean Cox said that the appointment of these gentlemen was requested by the current Washington County Constable Jean Dickson. Upon their appointment, she has been instructed to (1) forward proof of liability insurance on Mr. Benson, Mr. Black, and Mr. Marinko to the County Commission Office, and (2) she shall have the business name "Jean Dickson Constable Service" embroidered onto their uniforms in a conspicuous place as soon as possible.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1593, A Resolution Appointing Cache Benson, Tyler Black, And Peter Marinko As Deputy County Constables, Contingent upon the County's Receipt of the Appropriate Insurance Documents from the Constable's Office. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF REQUEST OF WASHINGTON COUNTY SHERIFF'S OFFICE FOR DONATION OF SURPLUS PROPERTY

Sheriff Pulsipher requested Commission approval to donate two (2) items of surplus property: (1) the vest that Sgt. Reg Browne, who will retire this week, has worn for several years; and (2) an old Apple laptop.

MOTION: Motion by Commissioner Eardley to Approve the Request Of Washington County Sheriff's Office For Donation Of Surplus Property, as indicated above. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

COMMISSIONERS' REPORT

Commissioner Gardner reported on a recently-received Press Release from the State of Utah that the Governor's Office has just filed federal lawsuits to settle ownership rights on ninety-four (94) roads in Garfield and seven hundred and ten (710) road segments in Kane Counties. The Press Release says, in part:

"The BLM has completely ignored local and state requests for local control of vital roads within the public lands, instead choosing to unilaterally close roads and restrict access enjoyed by Utahns for decades, contrary to the protections with FLPMA of 1976. . . . Ownership is the only tool that allows local and state governments to have a legitimate say in the management of access to public lands."

Washington County has been working on this issue, as well, and this is an important and helpful step in that process.

PUBLIC WORKS OR ROAD BUSINESS

No items were presented today.

Request a Closed Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:52 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

DENNIS DRAKE
CHAIRMAN